



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,685	03/23/2000	Michael Lee Hearn	600.1040	9876

23280 7590 12/10/2003

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

EXAMINER

DEXTER, CLARK F

ART UNIT PAPER NUMBER

3724

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/533,685

Applicant(s)
Hearn

Examiner
Clark F. Dexter

Art Unit
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 25, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-39 is/are pending in the application.
- 4a) Of the above, claim(s) 31, 32, and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-30 and 33-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 19 6) ☐ Other:

Art Unit: 3724

DETAILED ACTION

1. The amendment filed September 25, 2003 has been entered. It is noted that claims 31, 32 and 39 have been withdrawn from consideration as being drawn to a non-elected invention for the reasons previously described for the corresponding canceled claims.

Information Disclosure Statement

2. The information disclosure statement filed May 27, 2003 has been received and the references listed thereon have been considered.

Claim Rejections - 35 USC § 112

3. Claims 25, 27, 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 25, line 2, the recitation "a continuous urethane outer coating" is vague and indefinite as to whether it is referring to the urethane coating previously set forth or to another such coating, and further, a period is missing at the end of the claim and thus it is not clear as to what is intended, and it is suggested in lines 1-2 to delete "first anvil cylinder nipping surface has a" and in line 2 to insert --is continuous. -- after "coating" or the like.

In claim 27, lines 1-2, "the urethane outer coating" lacks antecedent basis.

Art Unit: 3724

In claim 29, lines 1-2, "the urethane outer coating" lacks antecedent basis.

In claim 30, line 2, the recitation "has two first segmented cutting blades" is vague and indefinite as to whether it refers to the first segmented cutting blade previously set forth or two additional blades, and it is suggested to insert --of said-- after "two" or the like.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 22, 30, 33 and 36 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wolfberg et al., pn 3,866,497.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3724

7. Claims 23-25, 34, 35, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfberg et al., pn 3,866,497, in view of Sturtz, pn 4,249,441 and Littleton, pn 5,103,703.

Wolfberg discloses a cutting device with almost every structural limitation of the claimed invention but lacks a urethane outer coating on the anvil cylinder and on the cutting cylinder. However, the Examiner takes Official notice that it is old and well known in the art to provide an outer coating of urethane on both cutting cylinders and anvil cylinders for various well known benefits including enhancing the friction characteristics of the outer surface of the cylinder; for example, Sturtz discloses one example wherein a urethane coating is provided as an outer layer of both an anvil cylinder and a cutting cylinder for enhancing the frictional forces of the particular cylinder, in this case between the cylinder and the work piece. Littleton discloses another example of an anvil cylinder (e.g., 38) having a urethane outer coating. Therefore, it would have been obvious to one having ordinary skill in the art to provide an outer coating of urethane on one or both of the cutting cylinders and anvil cylinders of Wolfberg for various well known benefits including that described above.

8. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfberg et al., pn 3,866,497, in view of Sauer, pn 3,522,762, Sturtz, pn 4,249,441, and Littleton, pn 5,103,703.

Wolfberg discloses a cutting device with almost every structural limitation of the claimed invention but lacks a two-part metallic hub including a urethane layer bonded to the outer surface

Art Unit: 3724

of the hub. However, the Examiner takes Official notice that it is old and well known to provide a two-part metallic hub, and further to coat such a hub with urethane. In particular, the Examiner takes Official notice that it is old and well known in the art to form hubs in various configurations regarding the number of parts thereof to facilitate assembly, maintenance or other well known design considerations. Further, for the reasons described in the rejection above, it is old and well known in the art to provide an outer coating of urethane on cylinder hubs. Sauer discloses one example of such a two-part metallic hub. Additionally, Sturtz discloses one example wherein a urethane coating is provided as an outer layer of both an anvil cylinder and a cutting cylinder for enhancing the frictional forces of the particular cylinder, in this case between the cylinder and the work piece. Littleton discloses another example of an anvil cylinder (e.g., 38) having a urethane outer coating. Therefore, it would have been obvious to one having ordinary skill in the art to provide a two-part metallic hub, and further to coat such a hub with urethane for the well known benefits including those described above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3724

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers Technology Center 3700 are: after-final responses - (703)872-9303; other formal/official papers - (703)872-9302. The fax number for informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
December 5, 2003